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WELSH STATUTORY INSTRUMENTS

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**2007 No. 3002 (W. 259)**

**ANIMALS, WALES**

**ANIMAL HEALTH**

**The Bluetongue (Wales) (Amendment) Order 2007**

*Made* - - - - *18 October 2007*  
*4:45p.m. on 18*  
*Coming into force* - - *October 2007*

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(1) and it appears to the Welsh Ministers that it is expedient for the reference to Commission Decision [2005/393/EC](#) on protection and surveillance zones in relation to bluetongue and conditions applying to movements from or through these zones(2) to be construed as a reference to that instrument as amended from time to time.

The Welsh Ministers make the following Order in exercise of the powers conferred by paragraph 1A of Schedule 2 to the European Communities Act 1972(3) and sections 1, 8(1), 17(1) and 35 of the Animal Health Act 1981(4) and now vested in them(5).

**Citation and commencement**

1. This Order—
  - (a) is entitled the Bluetongue (Wales) (Amendment) Order 2007;
  - (b) applies in relation to Wales; and
  - (c) comes into force at 4:45p.m. on 18 October 2007.

**Amendment**

2. The Bluetongue (Wales) Order 2003 is amended in accordance with the Schedule.

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(1) [1972, c. 68.](#)

(2) OJ L 130, 24.5.2005, p.22, as last amended by Commission Decision [2007/28/EC](#), OJ L8 , 13.1.2007, p.51.

(3) Paragraph 1A was inserted by section 28 of the Legislative and Regulatory Reform Act [2006 \(c. 51\)](#).

(4) [1981 c. 22.](#)

(5) Functions transferred to the National Assembly for Wales by [SI 1999/672](#) and [SI 2004/3044](#). By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006, these functions are now exercisable by the Welsh Ministers.

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18 October 2007

*Rhodri Morgan AC/AM*  
First Minister for Wales, one of the Welsh  
Ministers

## SCHEDULE

Article 2

### AMENDMENTS TO THE BLUETONGUE (WALES) ORDER 2003

1. In article 2 in the definition of “Chief Veterinary Officer” (“*Prif Swyddog Milfeddygol*”) substitute for the words “of the Department for Environment, Food and Rural Affairs” the words “appointed by the Welsh Ministers”.

2. Omit article 8(2)(c).

3. In paragraph 9(1)(d) replace “.” at the end of the subparagraph with “;” and insert new subparagraph (e) as follows—

“(e) require the slaughter of any animal which is affected by disease or which he or she suspects may be affected by disease or have been exposed to infection.”

4. For articles 10, 11 and 12 substitute—

#### “Measures when disease is confirmed

10.—(1) On confirmation by the Chief Veterinary Officer of bluetongue on premises in Wales, the Welsh Ministers must declare an area to be a control zone.

(2) A control zone declared under paragraph (1) must—

- (a) be centred on the outbreak point; and
- (b) subject to paragraphs (3) and (4), have a radius of 20 kilometres.

(3) Where this article requires the Welsh Ministers to declare a control zone and the area of that zone would include land in England, they must declare a zone of such part of that area as is in Wales.

(4) The Welsh Ministers may extend or reduce the area of a control zone having regard to such—

- (a) epidemiological;
- (b) geographical;
- (c) ecological; or
- (d) meteorological,

factors as they consider relevant.

(5) No person may move an animal to or from premises in a control zone, except in accordance with a licence granted by an inspector.

(6) An inspector may only grant a licence under paragraph (5) in respect of a movement which is permitted under the Commission Decision.

(7) The terms and conditions of such a licence must be such as to ensure that the movement is made in accordance with the Commission Decision.

(8) In this article—

- (a) “the Commission Decision” means Commission Decision [2005/393/EC](#) on protection and surveillance zones in relation to bluetongue and conditions applying to movements from or through these zones, as amended from time to time; and
- (b) “the outbreak point” means the part of the infected premises from which the Welsh Ministers consider the control zone should be measured.

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### **Restrictions in protection and surveillance zones**

**11.**—(1) On confirmation by the Chief Veterinary Officer of bluetongue on premises in Wales—

- (a) the Welsh Ministers—
  - (i) must declare an area to be a protection zone, and
  - (ii) may declare an area to be a surveillance zone; and
- (b) paragraphs (2) to (5) apply to such zones.

(2) No person may move an animal out of the protection zone or the surveillance zone, except in accordance with a licence granted by an inspector.

(3) An inspector may only grant a licence under paragraph (2) in respect of a movement which is permitted under the Commission Decision.

(4) The terms and conditions of such a licence shall be such as to ensure that the movement is made in accordance with the Commission Decision.

(5) Where a protection zone or a surveillance zone would cover an area which includes land in England, the Welsh Ministers must declare a protection zone and may declare a surveillance zone of such part of the area as is in Wales.

(6) In this article, “the Commission Decision” has the same meaning as it has in article 10.

### **Powers of inspectors and officers in protection and surveillance zones**

**12.**—(1) Where a protection zone or a surveillance zone has been declared under article 11, veterinary inspectors and officers authorised by the Welsh Ministers have the powers they have under article 9 in respect of premises within the protection zone or the surveillance zone.

- (2) A veterinary inspector may also—
  - (a) require the occupier of premises in a protection zone or the keeper of any animal on such premises to allow the vaccination of any animal kept there; and
  - (b) require the occupier or keeper—
    - (i) to retain animals for use as sentinel animals, or
    - (ii) to allow the introduction of sentinel animals onto those premises.

### **Disease in England, Scotland and Northern Ireland**

**12A.** On confirmation by the Chief Veterinary Officer of bluetongue on premises in England, Scotland or Northern Ireland, the Welsh Ministers may declare an area to be a control zone, a protection zone or a surveillance zone in Wales.

### **Declarations of zones**

**12B.** Declarations of control zones, protection zones and surveillance zones under articles 10, 11 or 12A—

- (a) must be in writing;
- (b) may be amended by further declaration at any time;
- (c) must designate the extent of the zone being declared; and
- (d) may only be revoked by further declaration.”.

5. For article 14 substitute——

**“General duties of occupiers and keepers**

**14.**—(1) Unless otherwise authorised by a licence issued by an inspector or by the Welsh Ministers, an occupier of premises to which this Order applies and a keeper of any animal on such premises must—

- (a) comply with requirements in notices served on him or her;
- (b) allow an inspector to enter premises referred to in notices served upon him or her;
- (c) compile and maintain such records as an inspector may reasonably require and produce such records to an inspector on request;
- (d) refrain from damaging, interfering with or removing any traps set for the collection of vectors;
- (e) refrain from defacing, obliterating or removing any mark made by a veterinary inspector under article 9; and
- (f) provide such reasonable assistance and information as an inspector may reasonably require for the purpose of carrying out his or her functions under this Order.”;

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the [Bluetongue \(Wales\) Order 2003, S.I 2003/326 \(W.47\)](#) (“the 2003 Order”), which implements Council Directive 2000/75 laying down specific provisions for the control and eradication of bluetongue (OJ No L327, 22.12.2000, p 74).

Paragraph 1 of the Schedule amends the definition of “Chief Veterinary Officer”.

Paragraph 2 of the Schedule amends article 8 of the 2003 Order by omitting the provisions relating to destruction, burial or disposal of carcasses.

Paragraph 3 of the Schedule inserts a new article 9(1)(e) containing slaughter powers.

Paragraph 4 of the Schedule replaces articles 10 to 12 of the 2003 Order with new provisions, articles 10 to 12B, concerning zones to be declared by the Welsh Ministers in the event of the confirmation of bluetongue.

New article 10 contains provisions relating to control zones with a radius of 20 kilometres centred on the outbreak point. (The term “the outbreak point” is defined in new article 10(8)). The Welsh Ministers may extend or reduce the size of a control zone. The movement of animals to or from premises in a control zone is prohibited except in accordance with a licence granted by an inspector.

New article 11 contains provisions relating to protection zones and surveillance zones declared by the Welsh Ministers. The movement of animals out of a protection zone or surveillance zone is prohibited except in accordance with a licence granted by an inspector.

New article 12 contains provisions relating to the powers of inspectors in protection and surveillance zones.

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New article 12A enables the Welsh Ministers to declare control, protection or surveillance zones in the event of an outbreak of bluetongue in Scotland, England or Northern Ireland. New article 12B contains provisions about declarations of zones.

No regulatory impact assessment has been prepared for this Order as no impact on the private or voluntary sectors is foreseen.